

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

SHELIA JENKINS

PLAINTIFF

VS.

CIVIL ACTION NO. 3:07CV623TSL-JCS

ALCO PATTON, JR.

DEFENDANT

ORDER

Having received a report and recommendation from the magistrate judge on defendant's motion to dismiss, the court hereby orders that the motion is denied insofar as it seeks dismissal with prejudice and is granted to the following extent:

- (1) Unless, by Monday, September 1, 2008, plaintiff's attorney fully complies with the court's orders granting defendant's motions to compel and also provides proof to the court that he has sent a copy of the report and recommendation to his client via certified mail, the court will enter an order excluding any testimony or proof related to medical care provided to plaintiff by University Medical Center or University Physicians;
- (2) Plaintiff's attorney is required to pay a fine of \$500 (to be paid into the registry of the court);
- (3) Plaintiff's attorney is further responsible for the reasonable costs, including attorney's

fees, incurred by defendant in having to file both motions to compel, the motion for an extension of time in which to designate experts, as well as the reasonable costs incurred by the filing of the second motion to dismiss; and

- (4) Finally, it is ordered that defendant's deadline to designate experts is extended to September 30, 2008, with the understanding that other deadlines in the case management order, including the trial setting, may be need to be reevaluated.

SO ORDERED, this the 18th day of August, 2008.

/s/ Tom S. Lee
UNITED STATES DISTRICT JUDGE